

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 22, 1997**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Dunn, J. (Assigned), and V. Salas, Deputy Clerk.

B103096     People  
              v.  
              Drumgole

Merits:

Argued by David A. Eldridge, Deputy Attorney General, for respondent and appellant having waived oral argument. Cause submitted.

B096372     Soheley  
              v.  
              Skekarchian et al.

Merits:

Argued by Kenneth Miller for appellant and there being no appearance on behalf of respondent. Cause submitted.

B102576     People v. Landa  
B114096     In re Landa on Habeas Corpus

Merits:

Argued by Katharine Greenebaum for appellant and by David A. Eldridge, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B106157 People v. Hines  
B113732 In re Hines on Habeas Corpus

Merits:

Argued by A. William Bartz for appellant and by Corey J. Robins, Deputy Attorney General, for respondent. Cause submitted.

B110064 Brandt  
v.  
The Regents of the University of Calif.

Merits:

Argued by James K.T. Hunter for appellant and by Jeffrey A. Blair for respondent. Cause submitted.

B105724 McLaughlin  
v.  
Gentile et al.

Merits:

Argued by Regina McLaughlin, in propria persona and Stephen K. Matson for respondent. Cause submitted.

B106794 People  
v.  
Cox

Merits:

Argued by Juliana Drous for appellant and by Joseph Lee, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B104257     People v. Elias  
B111114     In re Elias on Habeas Corpus

Merits:

Argued by Edward H. Schulman for appellant and David A. Eldridge,  
Deputy Attorney General, for respondent. Cause submitted.

B099821     Schiff  
                 v.  
                 Sokol et al.

Merits:

Argued by Theresa Carroll for respondent and there being no appearance on  
behalf of appellant. Cause submitted.

B106507     Linder  
                 v.  
                 Thrifty Oil Co.

Merits:

Argued by David Daar for appellant and by Mark T. Dooks for respondent.  
Cause submitted.

B091062     Karpeles  
                 v.  
                 Deloitte and Touche

Merits:

Argued by Robert H. Bretz for appellant and by Thomas E. Satrom for  
respondent. Cause submitted.

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DIVISION ONE (Continued)

B112507      Optical Radiation Corp. v. S.C.L.A. (Deguilis et al, rpis)

B112627      Surgidev Corp. v. S.C.L.A. (Deguilis et al., rpis)

Merits:

Argued by Kathlene Landgraff Kohs and Jeffrey P. Nolan for petitioners  
and by David A. Rosen for real parties in interests. Cause submitted.

B106538      Gilbert

v.

National Enquirer, Inc.

Merits:

Argued by Marcia J. Harris for appellant and by John G. Kester for  
respondent. Cause submitted.

Justice Ortega leaves the bench.

B097409      L'Anza Research Int'l, Inc.

v.

Quality King, Distributors, Inc., etc.

Merits:

Argued by Raymond H. Goettsch for appellant L'Anza and by Peter C.  
Smoot for appellant Quality King. Cause submitted.

Court adjourned

DIVISION FIVE

B111802      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Mayra G.  
                 In re Esteban A.

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                 Armstrong, J.

B106542      Ronald Irving May                                      (Not for Publication)  
                 v.  
                 The Superior Court of Los Angeles County  
                 Odie Woods

The judgment is affirmed. Real Party in Interest, Odie Woods, shall  
recover his costs on appeal from plaintiff, Ronald Irving May.

Turner, P.J.

We concur:   Grignon, J.  
                 Armstrong, J.

B108460      Eric Cutujian                                      (Not for Publication)  
                 v.  
                 Coldwell Banker Commercial Real Estate Group, Inc.

The judgment is affirmed. Defendant, Coldwell Banker, is to recover its  
costs on appeal from plaintiff, Eric Cutujian.

Turner, P.J.

We concur:   Grignon, J.  
                 Armstrong, J.

September 22, 1997-Continued

DIVISION SIX

Crim.	People	(Not For Publication)
No.	vs.	
B105215	Lira	

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.  
Yegan, J.

Civil	Capen-McDermott	(Not For Publication)
No.	vs.	
B102219	Capen	

The judgment is affirmed. Tom is awarded attorney's fees and costs on appeal in an amount to be determined by the trial court.

Yegan, J.

We concur: Stone, P.J.  
Gilbert, J.

Crim.	People	(Not For Publication)
No.	vs.	
B107059	Smith	

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Coffee, J.

DIVISION SIX (Continued)

Civil	Ricigliano et al.	(Not For Publication)
No.	vs.	
B095490	Horton	

The post-judgment order setting the amount of attorney fees awarded to respondents is affirmed. Respondents are awarded their costs on appeal.

Stone, P.J.

We concur: Gilbert, J.  
Yegan, J.

		(Not For Publication)
Civil	San Luis Obispo Co. Dept. of Social Services	
No.	vs.	
B109442	Robert G.	

The orders are affirmed.

Stone, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SEVEN

B107486	Hannemann	(Not for Publication)
	v.	
	Krupp	

The judgment is affirmed. Respondent to receive costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                              Woods, J.

B104924 People (Not for Publication)  
v.  
Duncan

The order striking the allegation of the prior "strike" conviction for attempted murder in case No. C-54142 and that portion of the judgment ordering sentence of appellant are reversed. The allegation in the information of the 1984 conviction for attempted murder under Penal Code section 667, subdivisions (b) to (i), is reinstated. The cause is remanded for a trial on the allegation of a prior conviction for attempted murder. Upon resentencing, the court will consider whether to dismiss or strike the proven prior convictions under Penal Code section 1385 in conformity with *People v. Superior Court (Romero)*, *supra*, 13 Cal.4th 497. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

September 22, 1997-Continued

## DIVISION SEVEN (Continued)

B109213      People                          (Not for Publication)  
v.  
Wade

The judgment is modified by vacating the trial court's order staying the one-year term imposed for the prison term enhancement (Pen. Code, §667.5, subd. (b) and, in lieu thereof, ordering the one-year prison term be stricken. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

B105985 People (Not for Publication)  
v.  
Morfin

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B106898 People (Not for Publication)  
v.  
Stoltman

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

September 22, 1997-Continued

**DIVISION SEVEN (Continued)**

B106729 People (Not for Publication)

V.

Terry

The judgment is affirmed.

Neal, J.

We concur:   Johnson, Acting P.J.

Woods, J.

B099816      The Southland Corporation      (Not for Publication)

V.

Hua

The judgment is affirmed. Southland shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.

Woods, J.

B098165 Denise C. (Certified for Publication)

V.

Kevin C.

The order is reversed. The cause is remanded, and the trial court is directed to enter a new order, setting support payments at the Guideline level, retroactive to May 15, 1995, effective date of the trial court's deviation from the Guidelines. The trial court shall reflect in its calculation of retroactive payments due any changes in percentage of custodial time which have occurred since May 15, 1995. Petitioner shall recover her costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.

Woods, J.